

## University of California, Hastings College of the Law UC Hastings Scholarship Repository

---

Formation of the National News Council

Judicial Ethics and the National News Council

---

4-29-1973

# The Trouble With the Press Councils

George Reedy

Follow this and additional works at: <http://repository.uchastings.edu/nnc>

---

### Recommended Citation

George Reedy, *The Trouble With the Press Councils* (1973).  
Available at: <http://repository.uchastings.edu/nnc/83>

This News Article is brought to you for free and open access by the Judicial Ethics and the National News Council at UC Hastings Scholarship Repository. It has been accepted for inclusion in Formation of the National News Council by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact [marcusc@uchastings.edu](mailto:marcusc@uchastings.edu).

# Trouble With The Press Councils

By George Reedy

*The writer, former press secretary to President Johnson, is the author of "The Twilight of the Presidency" and dean of Marquette University's College of Journalism. This article is adapted from an essay that appeared in [MORE], a journalism review.*

**W**HEN AN INDUSTRY is in trouble, America's social doctors prescribe a commission with the same avidity that World War II doctors prescribed hot epsom salts for the ailing soldier. It would have been a miracle if the press had been an exception, and the miracle did not happen. The Twentieth Century Fund has presented us with a full-fledged press council whose functions would be to report on issues of "accuracy and fairness" in the news media and on press freedom.

It is an attractive proposal—at first glance. Very few people will argue that the media's record for accuracy and fairness is so high as to be beyond criticism. Even fewer will contend that the American people are satisfied with their newspapers and newscasts. So why not establish a "pure news" commission to tell the American people when their news is accurate and fair, especially since the commission will have no legal enforcement powers and will rely for its impact on moral persuasion? It seems almost a self-evident proposition.

I find it an appealing idea myself, as long as it is discussed in terms of generalities. It is only when I begin to

think of it in terms of specifics that doubts arise in my mind. Somehow, the beautiful words do not translate into realities that would move real people. The Twentieth Century Fund report that proposed the council appears to assume a breed of man and woman that I have never seen—faceless human beings who are not subject to the passions that sway the rest of us. Consider, for example, two sentences from the background paper that served as a predicate for the report:

"Until now, neither the public nor the national news media have been able to obtain detached and independent appraisals when fairness and representativeness were questioned. The proposed council is intended to provide this recourse for both the public and the media."

A nice notion. But where can you find men and women who are so remote from the great issues of the day that they can give such appraisals? You can, of course, locate people who are "detached" from both press and government. But is it conceivable that they can also be "detached" from the forces of controversy that are sweeping our country?

What kind of a council member would be so indifferent to Southeast Asia, the black revolution, inflation, the generation gap, the rise of the "New Left," the Middle East or the Watergate as to render authoritative judgments on how the press treats such matters? And if the council is not to be authoritative (at least in the

realm of moral persuasion), what is the point of setting it up at all?

I will concede that, in my lifetime, I have met many "fair-minded" human beings—and I have always been pleased by the identity of their political views with mine. I would gladly offer our services to the council except for the unfortunate fact that I have been distressed by the large number of individuals who disagree with my political views and who, for some inexplicable reason, decline to recognize the objectivity of my outlook. Of course, this would present no difficulty if the council were to permit me and my friends to establish the standards of fairness under which it would operate. But I have a nagging suspicion that significant elements of the public would object vehemently to such an arrangement.

## The Eye of the Beholder

**T**HIS GOES TO the heart of the problem. It is possible to make some rough judgments as to accuracy—although even this is somewhat debatable—but in political arguments, fairness is in the eye of the beholder. And the controversy that swirls about the press today centers on the fairness with which it treats political debate.

The point was illustrated for me perfectly a few months ago in a letter I received from a lady in Arkansas who objected to some statements I'd made in a debate on television.

See PRESS, Page C2

more...more...

After taking me to task for my "slanted" views on the First Amendment to the Constitution, the lady lamented the situation in Little Rock, where the residents had nothing to read but the Arkansas Gazette, which was "biased" in favor of the liberal Democrats. She said that she was more fortunate than her neighbors because she had a subscription to the Omaha (Neb.) World-Herald, which presented the news "objectively" even though it was "a Republican newspaper." She added, "Of course, I am a Republican," but insisted that this had nothing to do with her judgments.

It would be interesting if the council were to investigate the lady's charges, decide they were unjustified and try to persuade her to change her mind. Her letter sounded rather spunky to me, and I have the feeling that she would, quite properly, tell the members off forcefully, though in ladylike language. I have handled too much constituent mail for a senator to believe for one moment that any group of men and women—no matter how prestigious—would alter her thinking.

To be sure, the lady is only an individual, and I quoted her merely because she was so direct in advancing a view that is usually accompanied by circumlocutions. Nevertheless, she opens up a highly relevant train of thought. Does anyone have the right to make authoritative statements as to what is fair and objective in the treatment of political issues? What are we doing to the concept of freedom of speech when we establish a body to determine whether one newspaper is "fair" and another is "biased"?

I am not very impressed by the argument that this is only a private group of citizens who cannot call upon the law to enforce their edicts. This means only that they are limited to moral persuasion in any efforts they make to impose their standards of "fairness" upon the press. It does not answer the basic question of whether any group of men and women *should* be accorded the status of determining standards of fair play in this field.

Neither am I impressed with the argument that failure to establish the council would have left newspaper criticism solely in the hands of open partisans. It seems to me that this is

where it belongs, rather than in the hands of a council that is supposedly "detached and independent."

To be fair, I should add that I doubt whether the public will consider the council to be unbiased for any long period of time if it makes any findings on the issues that are really stirring controversy. It will then become merely another element in public debate—which would hardly serve the ends sought by its sponsors.

### The "Truth Squad" Concept

OF COURSE, THE press council can avoid all this by circumscribing its own activities. It can decide, for example, that it will only publish complaints against newspapers and television networks and answers by the newspapers and television networks. Or it can go a step further and restrict its findings to issues of factual material. Some of the latter will be a bit thorny, but they will not get the council members into trouble.

But I do not believe that such inhibitions will be very satisfying to the followers of Spiro Agnew, who think that the press is in the grip of an "elitist" Eastern conspiracy. Nor do I think it will quiet the strongly held conviction of George McGovern's partisans that print and electronic journalists cannot be fair to a "liberal" candidate for the presidency. These and similar accusations are the stakes in the controversy. Can any self-appointed group establish the "truth" of any of these charges—and if so, can it convince the other side of its findings?

The Twentieth Century Fund Task Force relied heavily upon the experience of the British Press Council as evidence that such a device can be helpful in reestablishing public confidence in the press. I do not intend to argue this point, because I do not know enough about the British press; but I have had considerable experience with political debate as it is conducted in the United States, and the argument over the press in this country is distinctly political. Such arguments are not settled by "truth squads."

The truth-squad concept was implicit in the genesis of the press council concept, which, in the United States, was a report in 1947 by a commission on freedom of the press headed by Robert Maynard Hutchins. It, too, assumed that a group could be assembled which could make authoritative pronouncements.

### Who Is "We?"

THE HUTCHINS commission, of course, did not base its recommendations upon such a bald statement. It insisted that its desire was to "improve" the press and unclog the flow of ideas. This takes on meaning only when the word "improve" is defined and a look is taken at the concept of what ideas should be allowed to flow.

For example, all of the commission's recommendations were prefaced by the statement that they were designed to help rid the press of the influences that "prevent it from supplying the communication of news and ideas needed by the kind of society we have and the kind of society we desire." This is another sentence that goes down easily until we start to consider its meaning in terms of the real world. I assume that the word "we" means the American people, and this gives me a perplexing problem.

It seems to me that "we" want too many different things. "We" hardhats want short hair, guaranteed jobs, cheap beer, respect for the American flag and eight football games on TV over the weekend. "We" of the younger generation want an American pullout from Southeast Asia, a volunteer army in which we do not have to volunteer, free rock festivals and lower prices on pot and apple wine. "We" of the older generation want crime swept from the streets, comfortable pensions, an end to "chiselers" on welfare and two martinis before dinner. "We" who are minorities want to be part of the majority and "we" who are the majority want to maintain the status quo.

To be sure, the commission has an answer to this particular problem. It states that the agency that would ride herd on the press "would also educate the people as to the aspirations which they ought to have for the press." I am enthusiastically in favor of such education, and I will submit a list of suggested aspirations—just as soon as I can clear it with all the other "we's" who are looking for a desirable society.

### A Dangerous Approach

THE NOTION OF the press as an educational institution is one that underlies the approach of virtually all those who favor press councils. Frankly, it is a concept that ad-



pears to me to be dangerous.

I don't believe I want a press—at least a current-events press—that seeks to educate me any more than I want to live in B. F. Skinner's box. My desire is for a press that brings me the major events of the world and allows me to educate myself. At present, this is a function performed inadequately in our society—although I believe that the performance today is far superior to what it was when I first started to walk a police beat.

Basically, the proposal for a press board is an effort to do indirectly what cannot be done directly—to regulate the press by centrally controlled "persuasion" when it cannot be regulated by law. We have had a considerable amount of experience with regulation in the past few decades, and the track record of the regulators does not seem to me to be very good, not even in instances where control was clearly inevitable and where the problems were much simpler.

I would have assumed, for example, that a group of white-coated men peering through microscopes in a laboratory where Bunsen burners were flaming and retorts were bubbling should be able to decide whether the American housewife could or could not use phosphates in her detergents. Will anyone seriously argue today that because of federal regulation Mrs. American can do the family washing in peace of mind? Will anyone seriously argue that the quality of television has been improved by FCC regulation? Will anyone seriously argue that the standards of movies have been improved by the motion picture code?

These are all instances in which there was an overwhelming necessity to regulate—directly or indirectly. (I suspect that it was only a public-relations necessity for the motion picture industry, but there are occasions on which this can be compelling as any other motivation.) I do not contend that the government or industry should have remained aloof. But I cannot see the same inevitabilities in the field of journalism—at least not yet—and while there are disturbing trends in our society. I do not believe that

they have reached a point where they cannot be headed off.

At this point, it would be well to take a look at the other side of the coin—the basis for the strength of the press-board idea.

The Hutchins commission said many sensible things with which I am in full agreement. The problem in my mind is not the analysis, but the remedy. And however much I may disagree with the remedy, I am afraid it will be applied unless someone comes up with a better solution. For example, the commission argued:

"We do not believe that the fundamental problems of the press will be solved by more laws or by governmental action. The commission places its main reliance on the mobilization of the elements of society acting directly on the press and not through governmental channels. No democracy, however, certainly not the American democracy, will indefinitely tolerate concentration of private power irresponsible and strong enough to thwart the aspirations of the people. Eventually governmental power will be used to break up private power, or governmental power will be used to regulate private power—if private power is at once great and irresponsible. Our society requires agencies of mass communication. They are great concentrations of private power. If they are irresponsible, not even the First Amendment will protect their freedom from governmental control. The amendment will be amended."

I have a few problems with the word "irresponsible," because I have found that the definition of the word varies with the political outlook of the man who uses it.

But this is irrelevant—the basic thesis, in my judgment, is correct. A democratic nation forced to choose between government and private monopoly will choose the former. And the real issue, when we discuss the press, is whether the moment is approaching when we must make such a choice. We still have a multiplicity of sources for our news, but the supply is dwindling and it doesn't seem to me that very much is being done about this trend.

## Economics at Work?

EVERYONE ASSUMES that inexorable economic laws are at work, and that nothing can be done except set up soup lines for victims. I would like to see a major challenge mounted to those "inexorable" economic laws. As nearly as I can determine, no serious look has been taken at them by a body with the prestige and experience of the Hutchins commission. It seems to me that there is something seriously wrong if we cannot afford the variety of voices that are the basis for a free press.

It is charged, correctly, that the press is insufficiently self-critical. Yet there are literally thousands of newsmen who are bursting to have their say—if they can only find an outlet.

It is charged, correctly, that points of view which are held by substantial numbers of people find no voice in many areas of the country. Yet when men and women try to establish newspapers in those areas that meet the need, they usually give up the unequal battle after a few discouraging years.

It is charged, correctly, that vast areas of the country are intellectual wastelands in which the inhabitants have little available to them except glorified shopping papers. Yet it is obvious that the cure for this situation is competition rather than control.

## An Empty Marketplace

THESE REFLECTIONS lead me to believe that most of the studies of a "free press" have been beside the main point.

They have contented themselves with broad examinations of philosophical principles and constitutional rights. They have not gone into the heart of the matter—what has happened to restrict the number of suppliers in the so-called free marketplace of ideas? Is it the workings of social laws that are beyond our control, or is it the erection of artificial economic barriers?

I would like to see a commission probe into the supplies, distribution and costs of newsprint.

I would like to see a commission probe into the factors that have inhibited the use of modern equipment.

I would like to see a commission probe into the difficulties of merely getting a new publication on the newsstands.

I would like to see a commission probe into the links between newspapers, television and magazine and book publishing.

I have never yet known freedom to survive unless it can sustain itself economically. Is a free press economically viable? Press councils are not likely to answer that question.

there is another aspect of these findings that helps maintain the reputation of the press in the public eye, and that is the fact that the press, by and large, very loyally supports the press council by publishing these adjudications. When the public sees a critical adjudication published in a newspaper it is a compliment to the good standing and honesty of that newspaper — that it has the courage and the decency to publish an adjudication against it.

**Q:** *Is there a feeling among British journalists that if a publication offended repeatedly and was criticized repeatedly by the council that the publication would suffer?*

**A:** I don't think that journalists are as concerned with suffering in a material sense as they are with maintaining their professional reputations—the pride that they have in doing a decent job. When a journalist or editor finds the press council, with a powerful press membership, making a professional judgment upon his performance which is highly critical of him, then he feels very hurt.

**Q:** *Then you feel that the council has a restraining influence on a reporter or editor when he is tempted to do something unethical or dishonest?*

**A:** Yes, that is so. But a great many editors find themselves dealing with problems which are not easily resolved. When this happens they are glad to have the guidance of a number of press council opinions expressed over the years on similar situations as something to temper their judgment in the particular situation in which they find themselves.

Dealing with complaints is not the only way in which we help the press. The council also has two other functions in which editors are showing an increasing interest.

The first is to defend the freedom of the press whenever it is attacked, and this involves the council in such activities as investigating and adjudicating upon complaints brought by newspapers against, for instance, public authorities which have treated the press improperly. The council has dealt with a number of such cases.

Another function is to watch proposed legislation and to alert the public and make representations in the right quarters whenever such legislation seems likely to affect the public interest.

**Q:** *Are there any examples of the council intervening with Parliament to block the passage of a law that would have inhibited the freedom of the press?*

**A:** I don't quite like the phrase "block the passage." But certainly the council has on numerous occasions taken action

which we believe has significantly influenced legislation. In the past 18 months it has submitted major memoranda and given evidence before government committees on intrusion into privacy, the law of defamation, the law of contempt, and the Official Secrets Act. It has made a number of novel proposals before those committees and in every case, I would again stress, those proposals have been made with the public interest in mind and not simply the narrow interest of the press alone.

**Q:** *You have read of the efforts to form a press council in the United States. How do you assess that effort?*

**A:** It would be an impertinence for me with a very little knowledge, indeed, of the United States to express an opinion on a point like that. But I would say this: I am inclined to feel from what little I do know that the best promise lies in the region of state press councils. There is one, of course, working in Minnesota. But the proposed national news or media council is a different kind of body. Now, it may well be that in this body an answer has been found to some of the very special problems which exist in the United States and which are not a characteristic of Britain, which is in some ways a very tidy package with which to deal, because it is all within very close geographical confines.

**Q:** *Several big and influential American papers have refused to support the idea of a U.S. press council on grounds that it would become just another vehicle for criticism of the press and thus further undermine the credibility of the press. How do you respond to that?*

**A:** I do not believe this is so, and I am sorry to see newspapers for which I have great regard taking this line. With all respect to them, I think they are mistaken, because I think any move by newspapers to accept a soundly based machinery for the investigation and settlement of complaints by the public would enhance the reputation of the press and not diminish it.

I do believe that in Britain we have found an answer to the problem of promoting a responsible press without sacrificing freedom. And the danger which has always haunted me, and from which I feel much more protected now that we have a press council, is the danger that a government would feel obliged to legislate against the freedom of the press in order to insure responsibility in the public interest. I think the press council has lessened that danger considerably and, in the process, promoted a more responsible press.



United Press International

Noel Paul of the British Press Council.

# The British Way

By Charles Roberts

*The British Press Council, financed by the British journalism community, was created in 1953. In this interview, Roberts, associate director of The Washington Journalism Center, discusses the council's workings with council secretary Noel S. Paul*

**Q:** In the United States some publishers are wary of the press council idea because the original members of the council are to be picked by a foundation-appointed committee and then, after that, the council will pick its own members. They fear that the council will be dominated by "do-gooders" who do not understand the problems of the media. How are the members of your council chosen?

**A:** Twenty members of the council are nominated by the eight United Kingdom organizations of publishers, editors and other journalists. The five lay members are selected by the council itself.

**Q:** How big a budget and how big a staff does the press council have?

**A:** The budget is \$67,000 annually, and we have a staff of three executives.

**Q:** Where does the money come from?

**A:** The council estimates its expenditures for a budgetary period of three years and passes the information on to the eight bodies representing newspaper and magazine publishers, editors and journalists. The council invites them to provide the money and they decide among themselves in what proportion they do it. There is no levy, no scale, and the money is a voluntary donation.

**Q:** How does the press council work?

**A:** The council does not monitor the press and doesn't feel that it should. Nevertheless, it does have the power to initiate a complaint . . . But this is something it has done very rarely indeed. Normally, it waits for the public to complain.

**Q:** What do most of the complaints to the council concern—unfair reporting, invasions of privacy, or what?

**A:** The most complaints are over the failure of newspapers to correct inaccuracies. And here I think it is important to bear in mind that newspapers are not to be censured simply for being inaccurate—because everybody makes mistakes. A newspaper is to be censured only if it is inaccurate because of recklessness or malice, or, if having had the inaccuracy pointed out, it fails to put the matter right.

**Q:** When complaints of inaccuracy come to the council, do the newspapers usually respond by running corrections promptly?

**A:** Actually, that happens at an earlier stage, because it is an inflexible rule of the press council that it will not consider any complaint from anybody until they have

represented that complaint by letter to the editor of the newspaper, and have expressed themselves as dissatisfied with his reaction.

So the effect is that before the press council takes any action whatsoever upon a complaint, an editor always has had an opportunity to deal with that complaint. And it is his failure to satisfy the complainant that brings the issue before the council.

**Q:** About how many complaints are received a year, and how are they disposed of?

**A:** Up to about 500 complaints a year. About a hundred of those result in adjudications. The remainder, for various reasons, are summarily dismissed, without going to the council, by a complaints committee, or are withdrawn or not pursued.

**Q:** What are the most stringent penalties that the council can impose?

**A:** Publication is the only penalty, and it's the only penalty we want.

**Q:** When the papers publish an adjudication by the council, an adverse finding against them, as they are morally obligated to do, do they give it the same prominence that they gave the original offending story?

**A:** I don't think it can be said that they always give it the same prominence. It has to be borne in mind that the prominence the original story had may not be the prominence the fault had—the fault may have been only a minor point in a prominent story. But if the newspaper publishes the adjudication in such a way that it does not give reasonable publicity to it, then it may give grounds for a further complaint to the press council. And such complaints have indeed been made.

**Q:** Your figures suggest that most findings are in favor of the press. Has this tended to build up public confidence in the credibility of the press?

**A:** I would most emphatically say "yes." But I don't think that is simply because most of the findings have been, as you put it, in favor of the press.

For instance, our last annual report shows that of 47 cases that were adjudicated, the complainants were upheld in 20 cases and 27 were decided in favor of the press. So that is not a very great preponderance in favor of the press, at least in the cases that went all the way to adjudication.

**Q:** But many complaints were thrown out without going to adjudication?

**A:** Yes, several hundred were dismissed or withdrawn at an earlier stage. But

More . . .